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July 22, 2019

VIA ECF

The Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza, East, Rm. N208
Brooklyn, New York 11201

Re: *Anita Fitzgibbon v. Target Corporation d/b/a Target Stores*
Docket No.: 1:18-cv-03268 (ARR)(RER)
CF File No.: 12158/123607

Dear Judge Reyes:

We are the attorneys for the defendant Target Corporation in this matter. In follow up to my letter to Your Honor of July 12, 2019, I am writing to advise the Court that we were told by our designated doctor that the plaintiff again failed to appear for her scheduled independent medical examination this morning. We received no communication from plaintiff's counsel on this issue.

Pursuant to Your Honor's rulings during the telephone conference on 6/25/19, Target requests that a Recommendation immediately be issued stating that this matter should be dismissed, with prejudice, for plaintiff's failure to prosecute as well as her repeated failure to comply with multiple Court Orders regarding discovery. At this point it seems unnecessary to recite the case history and prejudice to Target occasioned by plaintiff's conduct, but if Your Honor wishes a further submission on the relevant issues for the record please advise.

Your Honor's attention to this matter is appreciated.

Respectfully,

Michael J. Crowley

MJC/dzc

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CC (VIA ECF):

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